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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,091	10/02/2000	SATOSHI OHTA	35.C14852	4868
5514	7590	01/24/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PHAM, THIERRY L	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/676,091

Applicant(s)

OHTA, SATOSHI

Examiner

Thierry L Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 8/10/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-20, 22-35, 37-50 and 52-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-20, 22-35, 37-50 and 52-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 8/10/04.
- Claims 1-5, 7-20, 22-35, 37-50, and 52-60 are pending in application; Claims 6, 21, 36, and 51 have been canceled.

Claim Objections

- Claim 37 cannot depend upon canceled claim 36; claim 52 cannot depend upon canceled claim 51. Appropriate action is required to eliminate the errors.

Duplicate Claims

- Applicant is advised that should claims 31-35 be found allowable, claims 46-52 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).
- Applicant is advised that should claims 38-45 be found allowable, claims 53-60 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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2. Claims 8, 23, 38, and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 8, 23, 38, and 53, the cited limitations "first judgement means for judging one print job selected by a user from among the print jobs displayed by said display means; and second judgement means for judging a printing apparatus to which the print job judged by said first judgement means is to be output". The examiner is unclear to what subjects are to be judged by the judgement means. For example, "first judgement means" does not specify specific attributes and/or subject to be judged. According to the originally filed specification, there are disclosed several judgement means. The examiner is unclear which judgement means the applicants are referring to.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7, 16-20, 22, 31-35, 37, 46-50, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori (U.S. 6089765), and in view of Fukada (U.S. 5761480), and further in view of Czyszczewski et al (U.S. 6624909).

Regarding claim 1, Mori discloses a print server (computer 20 also serves as a print server, fig. 1, col. 2, lines 56-67, col. 3, lines 60-67 to col. 4, lines 1-15 and col. 11, lines 18-31) apparatus capable of receiving a print job to be printed from an information processing apparatus (computer 20, fig. 1) through a network (network 60, fig. 1), the printer server apparatus comprising: reservation job management means (print data memory 44 for storing print data for a period of time, job management table 1, fig. 2, col. 4, lines 4-65, the print data is deleted after the reservation time is expired, col. 4, lines 4-65) for storing, in a memory, reservation job data

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received from the information processing apparatus (computer 20, fig. 1), and managing the reservation job data (print data memory 44 stores reserved print data, col. 4, lines 4-66) even after print data is output to a printing apparatus (the print data also remains in the storage device 44 even after the printing is completed, col. 4, lines 4-66).

However, Mori discloses reservation job management means and output designation for reprint but fails to explicitly disclose a determination means for determining whether attributes are different based on a printer driver name.

Fukada, in the same field of endeavor for printing, teaches a determination means for determining whether attributes are different based on a printer driver name (host computer for comparing printer driver programs constructed in image forming apparatus with printer driver programs stored within host computer, col. 7, lines 14-22, inherently, these two printer driver names are different).

The combinations of Fukada and Mori fail to explicitly teach an output control means for outputting device-independent and device-dependent format data to the exterior.

Czyszczewski, in the same field of endeavor for printing, teaches an output control means for outputting device-independent and device-dependent format data to the exterior (outputting device-independent and device-dependent formats, col. 3, lines 25-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Mori and Fukada as per teachings of Czyszczewski by outputting the device-independent and device-dependent formats based upon the difference between printer drivers (**by comparing two printer driver names**) as taught by Fukada because of a following reason: (●) by outputting the device-dependent format to the exterior helps maximize printing performance and minimize the user of processor cycles (Czyszczewski, col. 3, lines 40-45); (●) by outputting the device-independent format to the exterior produces high quality images (Czyszczewski, col. 3, lines 65-67 to col. 4, lines 1-8).

Therefore, it would have been obvious to combine Mori and Fukada with Czyszczewski to obtain the invention as specified in claim 1.

Regarding claim 2, Mori further discloses a print server apparatus according to claim 1, wherein said reservation job management means is adapted to reserve the reservation job data

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transmitted from said information processing apparatus for a designated period (reserving the print data for certain amount of time, col. 4, lines 30-65) and to delete said reservation job data from said memory after the lapse of said designated period (deleting the print data after the reserved time is expired, col. 4, lines 56-67 and col. 7, lines 48-67).

Regarding claim 3, Mori further discloses a print server apparatus according to claim 1, further comprising discrimination means (CPU 21, fig. 3) for discriminating whether the management of said reservation job data by said reservation job management means is possible (CPU 21 of computer 20 determines whether the new print data can be store in the storage device, col. 6, lines 58-67 to col. 7, lines 1-16), in response to a request for reservation from said information processing apparatus; wherein said reservation job management means executes reservation and management of said reservation job data in a case where said discrimination means identifies that the management of said reservation job data is possible (col. 6, lines 58-67 to col. 7, lines 1-16).

Regarding claim 4, Mori further discloses a print server apparatus according to claim 3, wherein, in a case where said discrimination means identifies that the management of said reservation job data is not possible (the storage device is full, col. 6, lines 58-67 to col. 7, lines 1-15), said reservation job management means registers and manages the print job ID and the reservation job size (job name and its capacity, table 1, col. 4, lines 50-67), requested for reservation, in a reservation waiting list (if the capacity of storage device is full, the CPU 21 of computer 20 deletes the oldest print data and/or the print data with retention period is expired to allocate memory space; therefore, a waiting list is not necessary, col. 4, lines 55-67 to col. 5, lines 1-38 and col. 6, lines 58-67 to col. 7, lines 1-15).

Regarding claim 5, Mori further discloses a print server apparatus according to claim 4, further comprising detection means for detecting a registerable print job ID by comparing the available capacity of said memory with the reservation job sizes registered in said reservation waiting list (comparing print job sizes with memory storage device capacity, col. 4, lines 55-67 to col. 5, lines 1-38 and col. 6, lines 58-67 to col. 7, lines 1-15).

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Regarding claim 7, Rijavec further teaches wherein said device-independent-format data are EMF (i.e. EPS, col. 10, lines 45-55) data and said device-dependent-format data are RAW (TIFF, col. 5, lines 30-40) data.

Regarding claims 16-20, 22 Claims 16-20, 22 are the methods corresponding the apparatus and recite limitations that are similar and in the same scope of invention as to those in claims 1-5, 7; therefore, claims 16-20, 22 are rejected for the same rejection rationale/basis as described in claims 1-5, 7 above.

Regarding claims 31-35, 37, 46-50, 52: Claims 31-35, 37, 46-50, 52 recite limitations that are similar and in the same scope of invention as to those in claims 8-15 except computer readable memory for storing computer programs. All computers/printers have some type of computer readable medium (i.e. RAM, fig. 3, Mori) for storing computer programs, hence claims 31-35, 37, 46-50, 52 would be rejected using the same rationale as in claims 1-5, 7.

5. Claims 8-15, 23-30, 38-45, 53-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori (U.S. 6089765), and in view of Mantell (U.S. 6068361), and further in view of Yacoub et al (U.S. 6552813).

Regarding claim 8, Mori discloses an information processing apparatus (computer 20, fig. 1) for generating print data to be printed by a printing apparatus through a network (network 60, fig. 1), the information processing apparatus comprising: data generating means (computer 20 generates the print data using printer driver 42, fig. 2) for generating a data to be printed by the printing apparatus using a printer driver; displaying means (display 25 for displaying list of print jobs to be reprinted, fig. 2, table T1, col. 4) for displaying a list of print jobs to be reprinted after print data is output to the printing apparatus; first judgement means (CPU 21 for judging whether the print job is selected for reprinting, fig. 10, col. 6, lines 25-45 and cols. 13-14) for judging one print job selected by a user from among the print jobs displayed by said display means; and

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second judgement means (host computer 20 includes 43 for judging whether the selected printer is available, col. 7, lines 15-50) for judging a printing apparatus to which the print job judged by said first judgement means is to be output.

Mori fails to explicitly disclose obtaining means for obtaining device-independent data and to generates the device-dependent-format using another printer driver, if the printing apparatus judged is different from the printing apparatus of an original output destination.

Mantell, in the same field of endeavor for printing, teaches an obtaining means for obtaining device-independent data and to generate the device-dependent-format using another printer driver (printer driver 56 for obtaining and converting device-independent format to device-dependent format, fig. 1, col. 6, lines 28-40).

However, the combinations of Mori and Mantell fail to teach an apparatus/method for comparing the difference between two printers.

Yacoub, in the same field of endeavor for printing, teaches an apparatus/method for comparing the difference between two printers (server 460 for comparing the capabilities of different printers, fig. 4, col. 7, lines 40-65 and col. 8, lines 1-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Mori and Mantell as per teaching of Yacoub because of a following reason: (●) converting device-independent (RBG) to device-dependent (CMYK) is required prior to perform any printing operations; (●) to find the best available printers to output different print data format for quality enhancement, i.e., device-dependent and device-independent (Yacoub, col. 2, lines 5-30).

Therefore, it would have been obvious to combine Mori, Mantell, and Yacoub to obtain the invention as specified in claim 8.

Regarding claim 9, Mori further discloses an information processing apparatus according to claim 12, further comprising condition designation means for designating a reservation condition (i.e. delete time, table 1, col. 4, lines 26-65) for causing said print job management apparatus to reserve the reservation job data.

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Regarding claim 10, Mori further discloses an information processing apparatus according to claim 9, wherein said reservation condition is a period of reservation (i.e. delete time, table 1, col. 4, lines 26-65, a print data will be deleted after a period of reservation is expired, col. 4, lines 26-65).

Regarding claim 11, Mori further discloses an information processing apparatus according to claim 9, wherein said reservation condition is a number of printing times (deleting after a prescribed number of times, col. 14, lines 1-8).

Regarding claim 12, the combinations of Mori and Mantell further discloses an information processing apparatus according to claim 8, further comprising: reservation data generation means (print data memory 44 for storing print data for a period of time, job management table 1, fig. 2, col. 4, lines 4-65, the print data is deleted after the reservation time is expired, col. 4, lines 4-65, Mori) for generating reservation job data consisting of the device-dependent-format data generated by said generation means and print job information based on the device-dependent-format data, which reservation job data is to be reserved after a printing process of the print data is completed by the printing apparatus (the print data also remains in the storage device 44 even after the printing is completed, col. 4, lines 4-66, Mori); and transmission control means (network 60, fig. 1, Mori) for transmitting the reservation job data generated by said reservation data generation means to a print job management apparatus through the network.

Regarding claims 23-30 Claims 23-30 are the methods corresponding the apparatus and recite limitations that are similar and in the same scope of invention as to those in claims 8-15; therefore, claims 23-30 are rejected for the same rejection rationale/basis as described in claims 8-15 above.

Regarding claims 38-45, 53-60: Claims 38-45, 53-60 recite limitations that are similar and in the same scope of invention as to those in claims 8-15 except computer readable memory for storing computer programs. All computers/printers have some type of computer readable

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medium (i.e. RAM, fig. 3, Mori) for storing computer programs, hence claims 38-45, 53-60 would be rejected using the same rationale as in claims 8-15.

Response to Arguments

6. Applicant's arguments filed 8/10/04 have been fully considered but they are not persuasive.

- Regarding claims 1, 16, 31, and 46, the applicants argued the cited prior art does not teach and/or suggest determining whether attributes are different based on a printer driver name for an output designation for reprint and a printer driver name for the reservation job data managed by said reservation job management means, and outputting the device-independent-format data to the exterior, if it is determined that the attributes are different, while outputting the device-dependent-format data to the exterior, if it is determined that the attributes are the same.

In response: The examiner will note that Applicants are arguing subject matter not previously claimed in claims 1, 16, 31, and 46. Nowhere in previously claims 1, 16, 31, and 46 that applicants recite the nature of “determining whether attributes are different based on a printer driver name for an output designation for reprint and a printer driver name for the reservation job data managed by said reservation job management means, and outputting the device-independent-format data to the exterior, if it is determined that the attributes are different, while outputting the device-dependent-format data to the exterior, if it is determined that the attributes are the same”.

- Regarding claims 8, 23, 38, and 53, the applicants argued the cited prior art does not teach and/or suggest obtaining means, displaying means, first judgement means, second judgement means, and device-dependent-format generation means.

In response: The examiner will note that Applicants are arguing subject matter not previously claimed in claims 8, 23, 38, and 53. Nowhere in previously cited claims 8, 23, 38, and 53 that applicants recite the nature of “obtaining means, displaying means, first judgement means, second judgement means, and device-dependent-format generation means”.

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Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

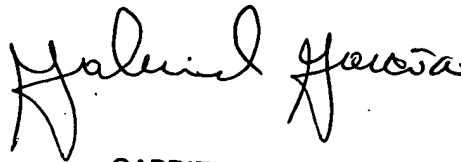
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L Pham whose telephone number is (703) 305-1897. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham

TP



GABRIEL GARCIA
PRIMARY EXAMINER